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HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

INNA SHAPOVALOVA
Assistant Corporation Counsel
Phone: (212) 356-2656
Fax: (212) 356-3509
inshapov@law.nyc.gov

MEMO ENDORSED

June 16, 2022

BY ECF

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Darius Ames v. City of New York, et al.
20 CV 11081 (CM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York, Darryl E. Fontaine, Anthony Peters, Hantz Muller, Ivan Valle and Scott Williams (“defendants”) in the above-referenced matter. Defendants write to respectfully request that the Court endorse a proposed briefing schedule for defendants’ anticipated motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. This is the first request of this kind and the plaintiff’s counsel, Sameer Nath, consents to this request.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging, *inter alia*, false arrest, unlawful search and seizure, excessive force, malicious prosecution, and denial of right to fair trial arising from his arrest on or about January 3, 2018. Plaintiff names the City of New York, Scott Williams, Anthony Peters, Darryl E. Fontaine, Ivan Valle, Hantz Muller, and John or Jane Does # 1-10 as defendants in this action.

On April 19, 2022, the plaintiff’s request for an extension of time to complete discovery was granted and the Court set the deadline to complete deposition and all discovery to May 18, 2022. Plaintiff then took the deposition of defendant Hantz Muller on May 9, 2022, defendant Sergeant Darryl Fontaine on May 9, 2022, defendant Officer Ivan Vale on May 11, 2022, defendant Anthony Peters on May 17, 2022 and defendant Detective Scott Williams on May

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18, 2022. However, to date, the undersigned has not received the transcripts for these depositions. The proposed briefing schedule below should allow for sufficient time for the undersigned to obtain from plaintiff the transcripts for the five depositions taken by plaintiff, review them, and prepare defendants' moving papers.

In light of the foregoing, and with the consent of plaintiff's counsel, defendants respectfully request that the Court endorse the following proposed briefing schedule:

- August 12, 2022: Deadline for defendants to serve and file defendants' motion for summary judgment;
- September 2, 2022: Deadline for plaintiff to serve and file his opposition motion to defendants' motion for summary judgment; and
- September 16, 2022: Deadline for defendants to serve and file their reply.

Thank you for your consideration herein.

Respectfully submitted,

Inna Shapovalova

Inna Shapovalova
Assistant Corporation Counsel
Special Federal Litigation Division

cc:

ECF

Sameer Nath
Michael Kevin Pinkard
Attorneys for plaintiff